

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

THIS DOCUMENT RELATES TO:

State of Iowa

v.

Abbott Laboratories, et al.

MDL No. 1456

Master File No.: 01-CV-12257-PBS
(original S. D. Iowa No. 4:07-cv-00461-
JAJ-CFB)

Judge Patti B. Saris

**JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO
CERTAIN DEFENDANTS**

Plaintiff State of Iowa (“Iowa”) and defendants Alpharma Inc., Purepac Pharmaceutical Co., King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Merck & Co. Inc., Par Pharmaceutical Companies, Inc., Par Pharmaceutical Inc., Schering-Plough Corp., Schering Corporation, and Warrick Pharmaceuticals Corporation in the above-entitled action (collectively “the Settling Defendants”), (Iowa and the Settling Defendants collectively “the Settling Parties”), hereby move the Court to extend the 90-day Order of Dismissal of July 7, 2011 (Doc. # 7657, Sub-Doc. # 122), to allow the Settling Parties an additional time to file the necessary papers with the Court before the Order of Dismissal becomes final.

At a hearing on June 23, 2011, Iowa reported to the Court that, other than defendant Sandoz, Inc., they had settled or reached agreements in principle to resolve all claims against all other defendants, including the Settling Defendants. Iowa further reported that it would take

some time to draft and negotiate the details of the settlement documents and to seek the Court's written consent. Thereafter the Court entered an Order of Dismissal on July 7, 2011 allowing the parties 90 days to finalize the settlement. Doc. # 7657, Sub-Doc. # 122. The 90-day period expires Wednesday, October 5, 2011.

As of the date of this motion, notices of voluntary dismissal between Iowa and defendants Eli Lilly and Company (filed September 28, 2011); Endo Pharmaceuticals Inc. (filed September 28, 2011); Novartis Pharmaceuticals Corporation (filed April 15, 2011); Roche Laboratories Inc. and Hoffman-La Roche Inc. (filed April 20, 2011); and, TAP Pharmaceutical Products Inc. (filed April 14, 2011) in the above-captioned case remain *sub judice*. On August 30, 2011, the Court entered dismissals as to defendants Mylan Laboratories Inc., Mylan Pharmaceuticals Inc. and UDL Laboratories Inc. On September 20, 2011, the Court entered dismissals as to defendants Watson Pharmaceuticals Inc. and Watson Pharma Inc.

In the time since July 7, counsel for the Settling Parties has negotiated diligently and in good faith on the terms of the settlement agreement and related documents. The Settling Parties have agreed or are near agreement on the language of settlements and/or await final approval and signatures. However, the Settling Parties need additional time to comply with the terms of the settlement agreements and file the necessary documents with the Court. The Settling Parties do not anticipate problems finalizing the settlements and filing all necessary documents with the Court by December 5, 2011.

For the foregoing reasons, the Settling Parties request that the Court modify its 90-day Order of Dismissal of July 7, 2011 to allow the Settling Parties up to and including December 5, 2011 to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlements.

October 3, 2011

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CERTIFICATE OF SERVICE

I, James P Carroll Jr, hereby certify that I caused a true and correct copy of the foregoing **JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO CERTAIN DEFENDANTS** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by submitting a copy to Lexis/Nexis File & Serve for posting and notification to all parties.

Dated: October 3, 2011

_____/s/ James P. Carroll Jr
James P. Carroll Jr.